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Instan TOMagistrates, Justices, Constables, and
Church-Wardens.

Representing their Power

In the Suppression of

VICE

A N D

PROFANENESS,

and the Obligation that lies upon
them from their OATHS thereto.

L O N D O N,

Printed and Sold by J. Downing in
Bartholomew Close near Smithfield.
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V.I.C.E.

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and the Collection will be open
to the public on the 1st of October

1851

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on the 1st of October

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A N ADDRESS

Grand-Juries, Constables, and
Church-Wardens, &c.

GENTLEMEN,

Whoever with any Regard to
Virtue and Religion, considers
the general Practice of the
World, will own it to be high Time
that the Prophaneness, Lewdness, and
Chaucheries of Men should be some
way or other put a Stop to and sup-
pressed; especially when he considers,
that it was not *Idolatry* alone, but al-
so *Lewdness, Drunkenness, and Prophan-*
ness, (as appears abundantly in Scri-
pture) that drew down the heavy
Judgments of God upon the Jews,
who they were his favourite and pe-

culiar People. And what can We expect but the same *Punishment*, if we go on in the same *Crimes*? For the Justice of God is as unchangeable as his other Attributes; and he who hates these Sins in *them*, hates them not in *us*, and will for ever hate them. indeed we do what we can to bring these Sins to Punishment, 'tis to be hoped that God will spare us as a NATION, and restrain his Vengeance to such as are personally guilty of them: But if we *connive* at Vice we *encourage* it, and as we share the *Guilt*, we must expect to share the Judgments too.

If you are not yet convinced that the natural Tendency of Vice is *Mischief* and *Confusion*, look abroad in your Neighbourhood, and observe how many Families are ruined by *Tolling* and *Drunkenness*, by *Lewdness* and *Gaming*. The Poverty which the expensive Vices draw after them, the Reason that Taxes seem to be a great Burthen, that Trade lies very where so languishing, your Markets want Money to support them, and your Prisons are crouded with Debtors. It is not *bad Times* alone

but the Corruption of Manners, that brings the Country into these Difficulties: Make Men virtuous, frugal and industrious, you put them in a fair way to be rich, in spite of War and Taxes; but leave them vicious, idle and extravagant, and they will be poor in spite of Peace and Plenty.

LEWDNESS is not only expensive, but betrays the Reputation, corrupts the Body, and effeminates the Mind; besides the Confusion it creates in Families, and the Burthen it throws upon your Parishes to maintain a Bastard Issue.

DRUNKENNESS not only makes a Man a Fool, and a Beast, and destroys his Health; but is also a public Mischief: For when he has got a Habit of Drinking and Idleness, his Affairs are neglected; the Money that should pay his Rent, and his Debts, and support his Family, is spent at the Ale-house, and his Children very probably will fall ere long to the Parish.

PROPHANE SWEARING, beside the present Dishonour done to God, in tossing about with so much Levity and Contempt the sacred Name of

him that made us, naturally introduces *Perjury*, while common practice suffered to wear off the *Awe* and *Sanctity* of an Oath, which is the chief Security we have both for our Lives and Fortunes.

For much the same reason we ought to put a speedy stop to *Profane CURSING* and *IMPRECATIONS*; when Men have lost (as by this Practice they shew they have) the Fear and Dread of *Damnation*, you have lost hold of their Consciences, and are nevertheless from what their unrestrained and boundless Passion may do as well as to you.

ABSENTING from *CHURCH* and *PROPHANATION* of the *LORD's DAY*, are also very great Crimes. They are an open throwing off the Acknowledgment of God, Contempt of Religion, and setting up for Atheism: And how much this contributes to all sort of Disorder is clear from the Consent of all Mankind, who have unanimously founded their Laws in Religion and the Fear of God.

For these Reasons, Gentlemen, we
 are commanded to Punish Vice, and
 it is our *Duty* to obey; and 'tis *your In-
 terest* to assist us. If you think these
 enormous and mischeivous Vices might
 perhaps be suppressed by softer Me-
 thods than *Punishment*; look a few
 years backward when the Laws we
 have against them, lay unexecuted.
 What Reformation did the Civility of
 setting Men alone in their Debauch-
 eries and Prophaneness work upon
 them? Publick Exhortations from the
 pulpit, they had *then*, and private Re-
 proof, and good Advice too from their
 friends; but you see that Wicked-
 ness was too headstrong to be over-
 ruled by these good natured Methods;
 so that 'tis plain the Authority of
 the Laws must be called in, if e-
 vil Vices be suppressed to purpose. O-
 ther Methods may do a great deal of
 service in *Concurrence*, but thro' the
 long Indulgence and hardened Obstina-
 cy of ill Men, are hardly strong e-
 nough of *themselves* to effect a Re-
 formation, as Experience sufficiently
 shows you.

A

Beside,

Beside, if Offences are not to be punished, Why were Laws made gainst them? If they are, Why should not those Laws be executed? And perhaps it will be readily granted by sober and well disposed Persons at least, that the spiritual and civil Power, the Judges of Assize, Ecclesiastical Courts, and Justices of the Peace should take effectual Care to punish such Excesses. But notwithstanding these good Words, Men generally except themselves, and those of their own Rank and Circumstances, from contributing any thing to the Matter; and tho' they grant the Suppression of Vice to be a Duty, understand no more by it, than that 'tis every Body's Duty but their own. Private Persons blame the Magistrates for not punishing; Magistrates throw it back upon them, and upon you, for not informing: And thus by shifting the Obligation, nothing is done for Purpose; we fire at Wickedness with Powder only, a faint Sigh, and an empty Wish or two, (which, I can assure you, will do no Execution while all Hands should be engaged against it, and plying it on every Side with

with *Cannon-Ball* and *Chain-Shot*. What-
 ever becomes of the Obligation upon
private Persons to inform, it may be
 certainly fastened upon you. They indeed
 are obliged in Point of Conscience,
 in Point of Duty to God, of Reve-
 rence to Religion, and of Charity to
 their Neighbours, to inform against
 Vice, that it may be punished and
 suppressed; but YOU, *ever and above*
 these common Obligations, wherein,
 as *Christians*, you are equally concern-
 ed with them, have also the OATH
 of God upon you, and are SWORN
 INFORMERS by LAW; others may
 and ought, you must give Notice of
 Offences in order to their due Cor-
 rection; your Country entrusts you
 with this very Service.

You, Gentlemen of *GRAND-JURIES*,
 may be pleased to consider, that you
 take a solemn Oath, in the Face of
 the Court, that you will, " DIL-
 " GENTLY INQUIRE, and true
 " PRESENTMENT make of ALL
 " such Articles, Matters, and Things as
 " shall be GIVEN YOU IN CHARGE;
 " as also, that you will (not only
 " Present no Person for Envy, Hatred or
 " Malice, but) not leave any UNPRE-

A 5.

" SENTED

SENTED for Fear, Favour or Affection. Now are not the Laws against Immorality and Prophaneness GIVEN YOU IN CHARGE, both at Assizes and Sessions, as well as those against Felony, Treason, Riots, Routs, unlawful Assemblies, Breach of the Peace, &c? Are not Presentment and Indictment one Method expressly appointed by the Statute for the Punishment of * Drunkenness and Tippling? Are not Houses of † Bawdry and ‡ Gaming, and other disorderly public Houses, punishable in the same Court and consequently Presentable by you? And is it not the very same in Cases of obstinate † Absenting from Church? Is not Her Majesty's PROCLAMATION for the Encouragement of Piety and Virtue, and for the preventing and punishing of Vice, Prophaneness and Immorality, always read before you as soon as you are sworn? And why particularly at that Time, when you have just taken your Oath, if it be not designed as a Direction and Command to you

* 4 Geo. I. c.

5. §. 5.

† Co. Inst.

III. c. 98.

‡ W. N's

Office of Justs.

of a P. p. 300.

† 1 Eliz. c.

2. §. 17. 23

Eliz. c. 24

§. 9.

of the Grand-Jury, to inquire into, and present Offences against Religion and good Manners? Does not the Judge of Assize, or Chairman of the Bench, in the *Charge* that is immediately given after the reading of that Proclamation, either recite to you the particular Laws against such Offences, and urge you to the due Prosecution of such Offenders, or at least refer you to the Proclamation for that Part of what they should say to you, and thereby incorporate the Proclamation with the *Charge* they give you? 'Tis plain from all this, that you are bound upon your Oaths, to present all Instances of *Vice* and *Immorality* (as well as other Crimes) that fall within your Knowledge, because they are expressly GIVEN YOU IN CHARGE. And this (as in other Cases) you are to do, not only when *Evidence* is offered before you by *the Information of others*, but of all such Offences and Offenders within your County or Division, as you or any of you, are able of your OWN PERSONAL KNOWLEDGE to Present, which you Swear to do impartially, without FEAR or FAVOUR, or any other vicious Principle.

ciple obstructing. Excuse me, Gentlemen, what I have said is rather to put you in mind of your Duty, than to instruct you in it: And give me leave to add but one Observation more, which may be of Use to you (especially to Grand-Juries empannelled to serve at Quarter-Sessions of the Peace;) that by the Statute 3 Hen. 7. if a Grand

Hen. 7. c. 1.
§. 4, 5. Jury conceal any thing which they ought to present, the Justices may within a Year impannel another Jury to enquire of such Concealment, and upon Conviction, fine them at Discretion of the Court: So earnestly the Laws insist upon your Care and Faithfulness in presenting.

I shall next address my self to you that are **CONSTABLES**: And to you I must needs say, that if you know your Duty, 'tis no Thanks to us that are Justices; for the Oath we usually give you is so short, and in such general Terms, that it leaves with you no Manner of Instruction in the Particulars of the Office to which you are sworn, and does not therefore make so great an Impression, as I hope it would

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would otherwise do, upon your Con-
 sciences. But the Oath which ought
 to be given you, recites your Duty
 so far as concerns Offences against
 Morality and Religion, in these Words.

“ -- You shall do your
 “ best Endeavour that Dalton's Just:
 “ -- Rogues, Vagabonds' of P. c. 174.
 “ and Night-walkers be Meriton's
 “ apprehended; -- and Guide to Gen-
 “ that the Statutes made rables, &c. 1.
 “ for the Punishment of
 “ Rogues, Vagabonds, and such other
 “ idle Persons coming within your
 “ Bounds or Limits, be duly put in
 “ Execution. -- You shall have a
 “ WATCHFUL EYE to such as shall
 “ maintain or keep any common House
 “ or Place where any unlawful Game
 “ is or shall be used: As also to such
 “ as shall frequent or use such Places,
 “ or shall use or exercise any unlawful
 “ Games there or elsewhere. At your
 “ Assizes, Session of the Peace, or
 “ Leet, you shall present A L L and
 “ EVERY the Offences contrary to
 “ the Statutes made to restrain the
 “ inordinate haunting and TIPPLING
 “ in Inns, Ale-houses, and other Victual-
 “ ling-Houses, and for repressing of
 “ DRUN-

“ **DRUNKENNESS.** — You shall

“ once in the Year, during your Of

“ fice, present at the Quarter-Session

“ all *Popish Recusants*, their Children

“ above the Age of Nine Years, and

“ their Servants, (*viz.* their monthl

“ **ABSENCE FROM CHURCH.**

“ — You shall well and duly exe

“ cute all **P R E C E P T S** and **W A R**

“ **R A N T S** to you directed from the

“ Justices of the Peace of this Coun

“ ty [or Division] or higher Officers

“ — And you shall well and duly

“ according to your Knowledge, Pow

“ er and Ability, do and execute **A L L**

“ **OTHER** things belonging to the

“ Office of a *Constable*, so long as you

“ shall continue therein.

The Substance of this last Clause is usually all the Oath which those that administer it think fit to give you: But to satisfy you by what Authority the rest of this Form above recited is imposed upon you; as also a little to explain the several Parts of your Charge and the Extent of your Power for the Suppression of Vice, which perhaps you may not thoroughly be acquainted with; be pleased to take

Take Notice of the following Particulars.

It would be tedious to enlarge upon the Laws against *Vagrants*; you are instructed in them at every Session, and are well enough acquainted with the common Road of dealing with such Persons; I wish you were as careful to put those Laws in Execution, that they might be whipp'd and sent home, as the Statutes direct: For *Idleness* is without Dispute a very great Immorality, and the Fountain of most other Vices. But I would observe to

you (1) That your Oath obliges you to this Care.

(2) That this Part of your Oath is grounded upon Laws that lay upon you a Penalty of * Ten or || Twenty Shillings, † if you neglect it. (3.) That

common Players or *Enterludes* or *Actors of Plays*, are expressly by Name within the Statute, to be taken up for Vagabonds, and punished accordingly: For tho' the Stat. 39. E-

39. Eliz. c. 4.

§. 5.

|| 1 Jac. 1. c. 7.

§. 7. 11. & 12.

W. 3. c. 18.

§. 4.

† Continued by

Anne Sess. 2.

c. 13. for 3

Years longer, &

by 5 Anne for

7 Years longer.

39. Eliz. c. 4.

§. 2.

of

of Players as belong to any Peer of the Kingdom, and have a Licence under his Hand and Seal; yet a later Statute in the Reign of King James I. has taken away that Protection from them, by declaring and enacting *That from thenceforth no Authority to be given or made by any Baron of the Realm, or any other honourable Personage of greater Degree, shall be available to free or discharge them from the Pains and Punishments of the former Statute.* By which 'tis plain whatever their Pretences be, those *strolling Players* are to be look'd upon as **VAGRANTS**, and ought to be apprehended by the Constable, and punished by the Magistrate as such. Nor are they without Precedents in several Corporations and larger Towns where, by Virtue of the said Statutes, such Players have been driven away. You that live in *Country Villages* are not so much concerned in this Observation, as those that are Constables in *great Towns*, where this vile Brood of Players usually make their Stages, and nest themselves (for some Weeks in a Place), to propagate Prophaneness and

De-

Debauchery, under the Colour of Diversion: But those that carry your Authority in those Parishes where they fix, are bound, I must tell you, by their Oaths, to seize upon, correct, and send them packing, as a Gang of Vagrants and Villains, the most mischievous to Religion and good Manners of any that can infest a Country.

The next Part of your Oath concerns the Suppression of Gaming; a Vice by which so many Thousand Families have been ruined, (both by the *Idleness* and the *Expence* that attends it,) that you will do very great Service to your Neighbourhood and the whole Nation, by keeping (as your Oath obliges you) a **WATCHFUL EYE** upon such Houses as *maintain*, and such Persons as *exercise* unlawful or excessive Gaming. The Statute directs you, *weekly*, or at least *monthly*, (if the Case so require) to search within your Liberties all Houses or Places suspected of this Offence, and upon Discovery to bring them to Punishment; for Neglect of which you forfeit *Forty Shillings*. Upon this
Ar.

Article I would observe

§. 16. (1) That there seems to be some Allowance in the

Law for Artificers, Husbandmen, Apprentices, Labourers, and Servants, to play in *Christmas*, but at no other Time of the Year. (2.) That all Sports

and Pastimes whatsoever are made unlawful upon the *Lord's Day*, to Persons *out* of their own Parishes, by

the Statute of King *Charles I.* and to every Body without Exception (whether *in* or *out* of his

own Parish,) by a later Statute of King *Charles II.* which Enacts, " That all

" and every Person and Persons what

" soever shall on every *Lord's Day*

" apply themselves to the Observa

" tion of the same, by exercising

" themselves thereon in the Duties of

" Piety and true Religion *publicly*

" and *privately*. This Clause having

cut out other Work for the *Lord's*

Day, (even for those Parts of it that

are *not* employed at *Church*) must be

presum'd to allow no Room for any

Sports or Pastimes whatsoever. (3.)

All Sports being unlawful upon the

Day

Day, and the Constable being bound to keep a watchful Eye upon the Places where, and Persons by whom, unlawful Games are practis'd; I conclude from thence, that he ought weekly (as the Statute directs) to search his Parish, or at least, to keep a watchful Eye upon it (as his Oath enjoins him,) every Lord's Day, either to prevent or to discover, and bring to Punishment such as shall be guilty of prophaning that Day by any Sports or Pastimes.

The next Part of your Oath is, That at the Assizes, Session, or Lect, you shall present all and every the Offences of Tippling and Drunkenness that shall come to your Knowledge. And this is no more than the express Direction of the Law, by which it is enacted,

" That all Constables,

" Church-Wardens, Head-

" boroughs, Tythingmen,

" &c. shall, in their se-

" veral OATHS, incident

" to their several Offices, be charged

" to PRESENT these Offences;

that is, of Drunkenness, Tippling, and

Houses permitting Tippling, against

which the Statutes cited in the Margent,

and

4 Jac. 1. c. 53

§. 7. 21 Jac.

1. c. 7. §. 53

and that other (1 Jac. 1. c. 9.) referred to in them, were made. The Statute against *Tippling*, and publick Houses *suffering Tippling*, do in themselves indeed extend to every Day of the Week; (except in the Case of Travellers in their Inns, and such as they invite during their necessary Abode there; or Labourers and Workmen in Market Towns, and such as work by the Day, or by the Great, at any considerable Distance from their own Home, who are allowed upon ordinary and working Days to take their Diet in a publick House, and to be there for one Hour, at the usual time of dining) But the QUEEN's Proclamation dated Feb. 15. 1702. has particularly enforced them for every Part of the LORD's DAY, and therefore you ought carefully to search such publick Houses on that Day, and give an Account to the Magistrate of such as you shall find entertaining Company *tippling* there, whether the Persons *tippling* do belong to your own, or other Parishes, and whether their Offence be committed in or out of time of divine Service. And would Constables faithfully present

ent according to those Statutes, and as their Oath obliges them, all Offences of Drunkenness and Tippling, that they know of within their Parishes, they would quickly, by the Blessing of God, effect a happy Reformation.

The next Obligation upon you is, That you shall once in the Year present all Popish Recusants, their *monthly Absence from Church*. This also is by a particular Act of Parliament, which lays a Penalty of Twenty Shillings upon you if you neglect, and assigns a Reward of Forty Shillings to you (to be levied by a Justice's Warrant upon the Recusant's Goods and Estate) if you do your Duty in presenting. I will only observe upon this Statute, that tho' it seems to have been made only against POPISH Recusants, yet we have Authority of Parliament on our Side, for extending it to ALL Persons (*Protestants* as well as Papists) that do not duly come to Church, and attend the public Service of God there, without reasonable Excuse: As appears by the *Exception* from it in Favour of Protestant Dis-
senters

1 W. & M.
Sess. 1: c. 18.
§. 2

senters in the Stat. 1 W.
and M. for exempting them
from the Penalties of cer-
tain Laws; where amongst
others this particular Sta-

tute (3 Jas. 1. c. 4.) is recited, but
to very little Purpose sure, if it never
affected any but the Roman Catholicks

§. 16.

as also by Section 16. of
that same Act, 1 W. and

M. by which all Laws for
frequenting divine Service are confirm-
ed, and ordered to be put in Execu-
tion against ALL PERSONS offend-
ing, except Protestant Dissenters du-
ly qualified. And therefore by the
Statute upon which your Oath is
grounded, you are obliged once a Year
to present in Session all those within
your Parishes, who (not being Dissent-
ers frequenting some other publick
Worship tolerated by Law) come not
once in a Month at least to Church
for tho' they may call themselves
Protestants, and Members of the Church
of England, yet thus absenting from
the publick Services of Religion a-
mongst us, they are in Construction of
Law looked upon as Papish Recusants,
and

and are to share both in their Name
and Punishment.

Another thing to which your Oath
expressly binds you is, Well and truly
to execute ALL PRECEPTS and
WARRANTS to you directed from
the Justices of Peace or higher Officers.
This is so well known, that no Con-
stable in *England* will pretend to be
ignorant of it; and I believe 'tis the
very Part of their Office that many
of them in Country-Villages know
very thing of: Yet even this (in some
Cases) is not so carefully minded as it
ought to be. When we send out
Warrants to levy upon an Offender
for *Swearing, Cursing, Drunkenness, Pro-
phanation of the Lord's Day, &c.* I can-
not but observe how hardly we are
obeyed, how unwillingly the Consta-
ble does his Office, how long before
he sets about it, how many Tricks
and Evasions he makes Use of to fa-
vour the Criminal, and to render his
Punishment of as little Use to his
Reformation as is possible. Gentle-
men, what can be the Meaning of all
this? Are you not sworn to execute
these Warrants as well as any other?
And are you not sworn to execute
them

them DULY too, without any Tricks, or needless Delays, and according to the strict and literal Tenor of your Precept? Your Precept tells you, you shall demand such Sum as the Penalty by Law amounts to; and if the Offender will not pay you are to levy it by Distress and Sale of his Goods; and if NO Distress can be taken, (if he really have nothing to distrain upon) you are then to set him in the Stocks for so long as the Warrant appoints: But if it be made appear that the Offender had Goods within your Liberty, that you might have distrained upon, and would not, he may if he pleases (for ought I know) have his Action against you of false Imprisonment; for your Warrant gave you no Authority in that Case to set him in the Stocks, but to levy upon his Goods. However, you are punishable for neglecting your Warrant for such a setting in the Stocks, when you might have distrained, is, I can assure you, no Execution of your Precept: Beside that in such a Case you rob the Poor, who have Right to the Money payable for the Offence, and which they would have recovered.

ed if you had done your Duty in
 refraining. I say therefore, if the Of-
 fender have any thing that you can
 refrain, it is neither in *his* Choice
 or in *your's*, whether he shall be set
 in the Stocks or pay; your Warrant is
 to be your Direction, and that tells
 you, you must first do your utmost to
 lay upon *his Goods*. Another wicked
 artifice which I have known to be
 used by some Officers to render the
 punishment of little or no Effect, is,
 after Payment to return the Money a-
 gain to the Offender, or at least a
 part of it. Now what is this, but
 robbing the Poor, to whom the Law
 has given the Penalty, and every Far-
 thing of it? What is it, but acting
 directly contrary to your Warrant,
 which, according to Law, directs,
 that it shall be so disposed of to the
 Poor? What is it but a lessening the
 Offender's Punishment? which you
 have no Authority to do; for the
 Law has not made you Judges in the
 Case, but only ministerial Officers to
 execute the Sentence: And if you
 return him *all* his Money, it is *not*
 punishing him at all. If for giving the
 Money back again, you plead, that

the Offender himself is poor, yet because such a Management would certainly not answer the End of the Law which is, to punish him by the Payment of so much Money, neither more nor less, for such an Offense you cannot justify your Disobedience to the Law by your illegal and impotent Charity to the Offender: He is not to have a Farthing of it *himself*, be he never so poor; but *other* Poor are to have it. Consider, Gentlemen, how you will answer it at the Day of Judgment, if when good Laws are put in Execution by the Magistrate for the Suppression of Vice and Profaneness, *you* do your utmost to discourage and perplex that Execution of them which is entrusted upon your OATHS with *you*, and thereby prevent, as much as in you lies, the Effect of those Laws, and the Reformation of Offenders, disappoint the Wishes and Endeavours of all good Men, and contribute to support and strengthen Vice, by defeating the Punishment it ought to undergo. Consider too, what you have to expect in *this* World, from *the Law*, if you be negligent. You may be indicted at the

Assize

Assize or Quarter-Session for any Neg-
 lect in your Office, and fined, upon
 Conviction, as for a Misdemeanour:
 But beside this, I told you before, the
 Statute has laid a Penalty of Twenty
 Shillings upon you, if you do not once
 a Year present all *monthly Absenters*
from Church; and I now tell you fur-
 ther, that if you neglect to execute
 your Warrant upon any Person for
 the Offence of *Drunken-*
ness, if you either do not 4 Jac. 1. c. 5.
 punish, or not duly levy §. 3.
 the Penalty *where Distress*
may be had, you forfeit *Ten Shillings*,
 which the Justice may levy upon you
 for the Poor. And if in the Case of
Ale-Houses suffering Tip-
pling, you either neglect 1. Jac. 1. c. 9.
 to levy according to your §. 4.
 Warrant, or neglect to
 certify to the Justice within *Twen-*
ty Days that no *Distress* can be had,
 you forfeit *Forty Shillings*. After these
 Representations, I must add, that
 you are not only bound to execute
 such *particular Warrants* as come to
 levy Penalties; but also where the
 Care of the Magistrates goes so far, as
 to deliver out to you *general War-*
rants,

rants, commanding you to search the *publick Houses* on the Lord's Day, apprehend and bring before them such Persons as you shall hear *Swearing* or *Cursing*, or shall see *Drunk*, *prophaning the Lord's Day*, or guilty of any other Immorality or Vice; say, where you have such Warrants delivered to you, remember that you **DULY** and **FAITHFULLY** execute them, and do whatever they direct you: For you are upon your OATH to execute duly **A L L** Precepts and Warrants to you directed by the Justices.

The last Part of your Oath is in general Terms, *that you shall well and duly, according to your Knowledge, Power, and Ability, do and execute ALL OTHER THINGS belonging to the Office of a Constable*, as long as you shall continue therein. Here is a large Field for your Industry in the Suppressing of Vice, if you will be faithful to your Trust: For you are equally concerned to see that all other Statutes, against *prophan Swearing and Cursing, Blasphemy &c.* whether made before or since the Form of your Oath was appointed

be duly put in Execution, and the Offenders brought to Punishment. I will instance in some things which certainly *belong to your Office*, because *you*, and none else, can do them; and what I shall instance in, shall be by the Opinion of some able and eminent Lawyers, who have been consulted upon these Points.

1. A Constable may *without a Warrant*, stop any Persons whom he shall find driving of Carts, Horses, Cattle, &c. on the Lord's Day, and carry them before a Justice of Peace, to convict them upon the Statute 29 Car. 2. *Help to a Nat. Ref. of Manners, p. 80.*

2. He may do the same, without a Warrant, with such as he shall find at any Sports and Pastimes on that Day; contrary to 1 Car. 1. c. 1.

3. The same with such as he shall find tippling in public Houses, &c. contrary to 21 Jac. 1. c. 7.

4. With Shop-keepers also, or others selling or exposing to Sale any Goods or Wares on the Lord's Day; contrary to 1 Jac. 1. c. 22. Sect. 28. or 29 Car. 2. c. 7.

5. The same also with such as he shall find Drunk, or Blaspheming, or prophanely Swearing or Cursing; contrary to 4 Jac. 1. c. 5. 9 and 10 W. 3. c. 32. 6 and 7 W. 3. c. 11.

Thus, Gentlemen, I have shewn you what belongs to your Office with Respect to the Suppression and Punishment of Vice; and that both from the Laws of the Kingdom, and from your Oath: I will only beg you, that according to the Tenor of this last you would well and duly, to the best of your Knowledge, Power and Ability, do and execute all things belonging to that Office, so long as you continue therein and remember that if you do not, you are forsworn.

I will now address my self to the **CHURCH-WARDENS**, who are Officers by Ecclesiastical Authority, sworn also to this very Trust to INFORM of the Vices of their Parish, that Scandals may be removed, and Immoralities and Irreligion punished by the Censures of the Church. Your Oath is

that " You shall well
Dr. Prideaux's Dis- " and truly execute the
positions to " Office of a Church-War-
" den in the Parish of --
" for

for the ensuing Year, and to the best of your Skill and Knowledge PRESENT such Persons and Things as are presentable by the Ecclesiastical Laws of the Realm. And that you may know what Persons and Things are presentable by the Ecclesiastical Laws, you have usually, I suppose, delivered to you, when you are sworn, a Book of Articles, containing the Particulars of what the Church expects you should present upon that Oath you have taken. I shall nevertheless shew you from the *Canons*, (which are the Ecclesiastical Laws of *England*,) and from the *Statutes*, the Power and Obligation of your Office (and consequently the special Matters you are sworn to inform of) with Respect to Vice, Prophaneness and Immorality.

Church-Wardens, p. 17.

The Statute of King James I. obliges the Church-Wardens (as well as Constables) to present once a Year, at the Quarter-Session of the Peace, all Monthly Absenters from Church; laying the same Penalty upon them of Twenty Shillings if they neglect,

3 Jac. 1. c. 4.
§. 4, 5, 6.

and allowing the same Reward of *Forty Shillings* if they discharge their Duty.

The 90th Canon en-
Can. 90. joins *Church-Wardens*, and
 their Assistants, diligent-
 ly to see that all their Parishioners
 duly resort to Church on *Sundays*
 and there continue the whole Time
 of divine Service. All that neglect
 to come, (having no great or urgent
 Cause of Absence) are first to be ad-
 monished by you, and then, if they
 reform not, you are to present them.
 Upon this Article observe (1.) That
 a Person's being *absent* from his Pa-
 rish Church (except he be known
 to be of ill Health, or gone a Jour-
 ney, or to be a professed protestant
 Dissenter,) is ground sufficient for
 you to present Him; it lies upon Him
 to prove that he attended divine Ser-
 vice that Day at any other Church.
 The Act of Toleration has exempted
Dissenters, and it would be vexatious
 and illegal to present them: But
 that Law was never designed to fa-
 vour *Atheists*, or such as pretending to
 be of the Church of *England*, frequent
 no public Service at all. (2.) That
 you

you are not only to present Persons that *do not come to Church*, but also such as behave themselves *irreverently and indecently there*; either walking about, talking, or making any other Disturbance, or not continuing in the Church till divine Service and Sermon be fully ended.

Can. 111, c.
18.

1 Eliz. c. 2.
§. 14.

(3.) That the *Statute-Law*, as well as the *Canon*, obliges all, not only to resort to Church every Sunday, but to *abide there orderly and soberly* the whole time of Service and Sermon, and for any of these Offences abovementioned the Offender may have the Penalty of Twelve Pence (according to the Statute of *Queen Eliz.*) served on him, or he presented at the Visitation, to be punished by the Censures of the Church. (4.) That for being wholly absent from Church (without reasonable Excuse) on any Lord's Day, any one Justice out of Session, by another Statute, has Power to levy that Penalty. (5.) That all such

Dr. Prideaux
p. 4, 5.

3 Jac. 1. c. 4.
§. 27.

Persons may be dealt with the same way, and are liable to the same Penalty, who (according to the scandalous Custom of too many,) *despise* the public Service, loiter away their Time in the Church-Yard, in the Fields, or in an Ale-house perhaps till the greatest Part of it be over, and then come into the Church: For by the Statute last referred to, they are bound not only to resort every *Sunday* to some Church, but are there to *bear divine Service*, or else they forfeit as above.

By Canon 112. the Minister, Church-Wardens, and Assistants, shall yearly, within Forty Days after *Easter*, exhibit to the Bishop or his Chancellor, the Names of all above the Age of Sixteen Years within their Parish that did not receive the Communion.

By the Statutes, Church-Wardens and Sidemen (as well as Constables,) are expressly to be charged in the Oath of their Office to present Offences of *Drunkenness*, *Tippling*, and publick Houses suffering Persons to *tipple* in them.

But

But the Canon has very
 much enlarged your O- *Can. 109.*
 bligation, and bound you
 to inform of all Manner of Vice,
 Prophaneness and Debauchery: " Re-
 " quiring you FAITHFULLY to pre-
 " sent ALL and EVERY the Offen-
 " ders in Adultery, Whoredoms, Incest,
 " Drunkenness, prophane Swearing, or
 " any other Uncleaness and Wicked-
 " ness of Life, that they and every of
 " them may be punished by the Se-
 " verity of the Laws, according to
 " their Deserts. Here you see, the
 Ecclesiastical Laws of the Kingdom
 have made it Part of your Office, (to
 which you are solemnly sworn,) to in-
 form not only of Drunkenness and
 Tippling (as the Statutes also bind you,)
 but of all sorts of Lewdness and De-
 bauchery, prophane Swearing, and what-
 ever else is contrary to Christian Pie-
 ty and good Morals in your Parish.
 So that if you know any of your Pa-
 rishioners (be his Quality or Cir-
 cumstances what they will) that is
 guilty of these, or any of these, you
 are obliged to present him at the next
 Visitation, or you are guilty your-
 selves of PERJURY; and by the

Can. 117.

117th Canon, if you do wittingly and willingly omit to present him, you are to be proceeded against in the Ecclesiastical Courts as for wilful PER-

Canon 26.

JURY, and by the 26th Canon, to be *debarred the COMMUNION*. This last expresses such an *Abhorrence* of a Church-Warden's Neglect in these Matters, that it forbids the Minister in any wise to admit you to that Sacrament, who, (to give it you in the Words of the Canon its self) *having taken your OATHS* to, present all such public Offences as you are particularly charged to enquire of in your several Parishes, *small (notwithstanding your said OATHS, and that your faithful discharging of them is the chief Means whereby public Sins and Offences may be reformed and punished) wittingly and willingly, DESPERATELY and IRRELIGIOUSLY incur the HORRID Crime of PERJURY, either in neglecting or refusing to Present, &c.*

Nay further, your Oath obliges you not only to inform of what you can present of your own Knowledge in those matters,

matters, but also upon *common Fame*;
 if a Person be credibly
 and generally reported in
 the Neighbourhood to be
 a Swearer, a Drunkard, an
 Adulterer, a Fornicator, or
 any other way immoral
 or prophane, you are bound to pre-
 sent him, and thereby oblige him to
 clear himself if he can.
 If any well disposed Per-
 son advertise and give you
 Notice of any such Offender, and urge
 you to present him, you are bound to
 have a Regard thereto, and to do it
 upon such Information and Advice.
 And if you wilfully neg-
 lect in either of these
 Cases, you are to be
 debarred the Communion,
 and prosecuted as before
 † for Perjury.

By this Time I hope you are well
 satisfied both of the Extent of your
 Oath in Presentments of Vice and
 Prophaneness, and that you are severe-
 ly punishable if you neglect them.
 You are to be driven away with Dis-
 grace from the holy Table of the
 Lord, rejected as the most notorious
 Cri-

Criminals, and prosecuted as perjured Wretches. And very good Reason there is for this Severity: For if you make nothing of breaking thro' a solemn OATH, you are presumed to make as little of a Sacramental VOW; and if, by not duly presenting Offenders, you *encourage* them (as certainly you do) in their Wickedness, you share the Guilt of all their Crimes, and are justly chargeable before God and the World with the Scandal of them.

But that you may not complain of the Difficulty or Charge of making such Presentments, the Ca-

Canon 116.

non (tho' it gives you Liberty to make them to the spiritual Courts as often as you will) does not bind you to make them oftner than twice a Year, (except in that of the Bishop's Visitation:) for which Presentments the Register of any Court, where they are to be exhibited, shall not receive in one Year above Four Pence; and for voluntary Presentments made out of Visitation Times, no Fee at all; if he does, he shall upon Complaint be suspended from this as before from

from his Office for a Month for every
such Extortion.

I will only add, that in several Ca-
ses of Immorality and Prophaneness,
you are equally concerned with the
Constable, to execute Warrants, and
to punish Offenders.

As (1.) In levying the
Penalty of *Ten Shillings* 1 Jac. 1. c. 9.
upon Inn-keepers, and §. 3.
Ale-house-keepers, suf-
fering Persons to tipple in their
Houses.

(2.) In levying the Penalty of
Three Shillings and Four Pence for Sports and Pa- 1 Car. 1. c. 1.
stimes on the Lord's Day;
that of Twenty Shillings upon Car-
riers, Waggoners, Drovers, &c. tra-
velling; and Six Shillings
and Eight Pence upon 3 Car. 1. c. 1.
Butchers, killing or selling
Meat upon that Day;
and of Five Shillings up- 29 Car. 2. c. 7.
on such as prophane it by
the Exercise of their Trades or other
worldly Labour thereupon.

(3.) In levying the Pe-
nalty upon prophane 21 Geo. 1. c. 1.
Swearing and Cursing. 29

(4.)

6 & 7 W. 3.

c. 11.

1 Eliz. c. 2.

§. 14.

3 Jac. 1. c. 4.

§. 27.

(4.) You are the *only* Officers nominated by the Statutes to levy the Penalty of *Twelve Pence* upon such as absent from Church, or behave themselves disorderly there. And,

4 Jac. 1. c. 5.

§. 2, 4.

(5.) Tho' you are not obliged to *levy* the Five Shillings for Drunkenness, and the Three Shillings and Four Pence for Tippling, yet the Money is to be *paid into your Hands* by the Offender, or by the Constable, for the Use of the Poor.

I will not repeat what I have said before to the Constables, concerning the Execution of Warrants, and disposing of the Money levied thereby: For you cannot but acknowledge that where these things are made by Law a Part of *your* Office as well as *their's*, your Oath (which is *well and truly to execute* your Office,) obliges you to the same Care and Integrity as *they* are bound to.

And now, Gentlemen, having fully and fairly represented to you, from the Nature of your several Trusts or Of-

Offices, from the solemn Oaths you take to acquit your selves faithfully in them, and from the Laws of the Kingdom which expressly require it from you, that you ought to *inform* of such as are vicious, immoral, and prophane, and bring them to their deserved Punishment; give me leave in Two or Three Words to address myself to you *ALL* together.

The Constitution of *England* has taken a great deal of pious Care for the Suppression of Vice. We have very good *Laws* to punish it, and a settled residing Magistracy in all Counties, Cities, and Corporation-Towns, to *put them in Execution*; we have *Courts Ecclesiastical* frequently held, where Offenders may and ought to be prosecuted by the Discipline of the Church; we have *Temporal Courts* of Justice also held in every County Five or Six Times in the Year, (the *Affizes* and *Quarter-Sessions*,) as well to punish the Prophane and Vicious, as to right the Injured. And because all this will be to little or no Purpose, without *Informations* given, there are *Constables* and *Church-Wardens* (Two or

or Three Men in every Parish) appointed by Law, and sworn to this very Service, constantly to inspect the Morals, and observe the Conversation of the Neighbourhood, and to make a just Report upon their Oaths of all Offenders within their District, that they may be brought to due Correction. But beside these Parish-Officers, who are a *standing Watch* upon Immorality, there is also at every Assize and Quarter-Session a *Grand-Jury* sworn, consisting of Twelve substantial Freeholders, at least, to make the like Presentments, and amongst other things, to present such *Constables* as have been negligent in their Duty. Were all these SWORN INFORMERS as careful and diligent in keeping their Oaths as they ought to be, a general Reformation of Manners would be no tedious or difficult Task, and private Persons would either *not need* to inform, or would be more generally *thanked and applauded* (as they ought to be) when they do. But the cursed PERJURY of many, that have that solemn Trust and Oath upon them, renders other

voluntary Informers absolutely necessary to the Suppression of Vice; and yet makes informing so strange and unusual a thing, that it is look'd upon (tho' undeservedly) with Indignation and Contempt; while Wickedness triumphs in the Negligence and Perjury of those that should suppress it.

Tho' Perjury be a *horrid Sin*, yet horrid as it is, 'tis one of the *most prevailing Sins in England*. How many Thousand Persons have we every Year *forsworn* in Parish-Offices and Session-Juries! I mean, as to those Particulars which I have been proving to be their Duty towards the Punishment of Vice. The most of them, I'm afraid, do look upon their Oaths as *Things of Course*, and little to be regarded; if we may judge by their after practice: For 'tis plain, the most of them do not act as if they thought themselves under any Obligation from them. But, Gentlemen, can there be any thing in the World more sacred than an OATH? Is it not a solemn Appeal to GOD for your Sincerity in what you promise? And is not that

Ap-

Appeal an Acknowledgment that he will punish Falshood? Nay further, Is it not a *calling down* the Curse and Vengeance of God upon your selves if you be false? Do you not, by laying your Hand upon the Gospels, declare in Effect, that *you hope for no Salvation by Christ* if you perform not, to the best of your Power, what you then promise? And do not the Words, *So help you GOD*, sufficiently prove, that the Intention of your Oath is so; and that you are to expect no Mercy or Favour from God, either in this World or the next, if you do not answer the Trust which is then and there committed to you, with an active, faithful Diligence? And do you not *personally and expressly* give your Consent to this heavy Curse, by *kissing the Book*? How then dare any of you venture to play with such an awful Engagement? Is it that you think the Oath of a *Parish Officer*, or a *Grand-Jury-Man*, is not as sacred and as binding as that of an *Evidence at the Bar*? What is it can make the Difference? The one appeals to God for his Sincerity and Fidelity in performing

forming what he promises; the other for the Truth of what he is going to attest by way of Evidence: But both of them are equally Appeals to God, and Imprecations of his Vengeance upon wilful Perjury. The Scriptures, which have made it a Sin to bear false Witness, have made it the very same to break a promisory Oath.

If a Man swear an Oath, Num. 30. 2: to bind his Soul with a Bond, he shall not break his Word, he shall do according to all that proceedeth out of his Mouth; that is, he shall exactly perform whatever he has engaged to do. If you give in a false Evidence, you are unjust to your Neighbour: But if you are perjured in your Office, you are unjust to GOD, because 'tis for his Glory that you are to see that Vice be punished and suppressed; you are injurious to your Neighbour too, by not doing what you might have done towards reclaiming him by a seasonable Correction, and promoting his eternal Happiness by Reformation; and you are treacherous to your Magistrates, and to your Country, who depend upon you
to

to bring the Disorders of ill Men to Punishment.

Whatever you may think, it is a certain Truth, that whoever of you shall dare to neglect or falsifie your Trust, with Respect to what you have sworn, and what your Country there-upon very justly expects from you, must be necessarily supposed either to *believe no GOD*, or not to believe that *he concerns himself in the Affairs of the World*, or boldly and impudently to *DEFIE his Vengeance* : For if you either believed a God, or that he takes any Notice of what you say and do, or if you had any Fear of him, or any Reverence for him, you could not *hope to escape unpunished*, when you have so solemnly and openly called upon him to revenge your Negligence and Perjury upon you, as by your Oath it self you do. Remember that terrible Declaration he has added to the *Third Commandment*, .-*The Lord will not hold him guiltless* (that is, he will certainly and severely punish him) *that taketh his Name in vain*. *I will come near to you in Judgment*, says he in another Place, *and I will be a swift*
Wit.

Witness against the Sorcerers, and against the Adulterers, and against the FALSE SWEARERS, &c. If you will not be Witnesses (as you ought to be) against Vice, he will be a Witness against you, that you had taken a most sacred OATH to that Purpose. but took no Care to perform it. His Curse (as he elsewhere threatens) shall enter into the House of him Zach. 5. 4. that SWEARETH FALSELY by his Name, and it shall remain in the midst of his House, and shall consume it with the Timber thereof, and the Stones thereof. Temporal Judgments may, but HELL and EVERLASTING VENGEANCE will assuredly overtake the Perjured, if they prevent it not by a timely and severe Repentance.

I leave these things upon your Consciences, and the God of Heaven make them effectual to convince you of your Duty, and engage you to perform your Oaths; that we, or our Children at least, may be so happy as to see, (through your Care and Diligence, as well as that of Magistrates and private Persons in their respective Stations,)

Stations,) a regular, sober, religious
and reformed Age, to the Glory
G O D, the Honour of the *Church*
England, and the Peace and Prosperity
of *Great Britain*.

F I N I S.

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